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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-ENVIRONMENTAL QUALITY
BY: SLR, DEPUTY - WI 26 P.

RECORDING REQUESTED BY:

John Thomson
Yalecrest Holdings, LLC
1785 Yalecrest Avenue
Salt Lake City, Utah 84108

AFTER RECORDING RETURN TO:

Executive Director
(Attention DERR LUST Section, Facility No. 4001217)
Utah Department of Environmental Quality
168 North 1950 West
PO Box 144840
Salt Lake City, Utah 84114-4840

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DEQ
Environmental Response & Remediation

INSTITUTIONAL CONTROLS

Pursuant to the Utah Environmental Institutional Control Act, Utah Code Section 19-10-101 et seq., Yalecrest Holdings, LLC ("Owner"), owner of the property located at 1478 South 300 West, Salt Lake City, Salt Lake County, State of Utah, Parcel Numbers 15-13-204-007, 15-13-204-008 and 15-13-205-001, more particularly described in Attachment 1 hereto ("Property"), hereby makes and imposes the Institutional Controls herein for the reasons and subject to the terms and conditions herein stated.

1.0. Notice of Environmental Status of Property and Reasons Institutional Controls are Necessary to Protect Public Health, Safety, Welfare or the Environment

1.0.1. Nature and Location of Contamination. Petroleum contamination is present in the soils and groundwater of the two adjoining parcels that comprise the Property. V-1 Oil operated a retail gasoline service station with four petroleum Underground Storage Tanks (USTs) and associated dispenser pumps on the eastern parcel from approximately 1971.

1.0.1.a The Eastern Parcel. The eastern parcel is also referred to as "Exhibit A and Exhibit B" in Attachment 1. The four USTs have been closed. Historic releases of petroleum from the V-1 Oil facility have resulted in petroleum contamination of the soil and groundwater on *portions of each parcel of the Property*. One release (EFXT in the records of the Division of Environmental response and Remediation (DERR)) was discovered on July 13, 1990, when petroleum contamination was observed during a routine tank tightness test. A second release was discovered (EJID in the DERR's records) when free product petroleum was found entering the sewer line down gradient from the release site. Subsequent site investigations initiated by V-1 Oil and the DERR, a division of the Utah Department of Environmental Quality (UDEQ), have determined the contaminant plume formed an elliptical shape extending across both parcels in the Property and to the northwest into Whitney Avenue (Attachment 2, Site Maps, Figure 3, see benzene isoconcentration contour).

1.0.1.b The Western Parcel. The western parcel was once owned by the Southern Pacific Transportation Company (SPTC) and is so marked in Attachment 2. The western parcel

is also referred to as "Exhibit C and Exhibit D" in Attachment 1. The western parcel was most recently occupied by a used car dealership. The DERR has no evidence that activities on the western parcel led to the petroleum contamination that is on the western parcel.

1.0.2 Level of Cleanup Completed. V-1 Oil installed a soil and groundwater remediation system on the western parcel in and around the source area of contamination. V-1 Oil operated the system for approximately two years and then dismantled it due to decreased hydrocarbon concentrations in the system off-gas and in the groundwater. Successive groundwater monitoring has indicated that there is a residual groundwater plume, consisting mainly of methyl-tertiary-butyl-ether (MTBE) but also including benzene extending from the V-1 Oil property and into Whitney Avenue. Soil and groundwater confirmation samples were collected in January 2003 and in November 2004 to determine the effectiveness of the remediation system. A copy of V-1 Oil's most recent analytical results for groundwater monitoring and confirmation sampling are contained in Attachment 2, Summary of Analytical Results and GeoProbe® Sampling Summary submitted to the DERR on December 8, 2004. The locations of the GeoProbe® samples taken in November of 2004 are shown in Attachment 2, Figure 1. The estimated perimeter of the residual petroleum hydrocarbon groundwater plume is shown by the line marking the benzene isoconcentration contour in Attachment 2, Figure 3 and is based upon the sampling conducted in 1998. The benzene isoconcentration contour will hereafter be referred to as the "Contaminated Area."

1.0.3 Risks Presented by Residual Benzene Contamination. Benzene is a volatile chemical, known to be carcinogenic. Benzene vapors from the Contaminated Area may volatilize, infiltrate buildings and expose occupants if contamination has gone under buildings or if buildings are built over the Contaminated Area. Benzene may present a risk to workmen excavating in the Contaminated Area. Ingestion of benzene-contaminated groundwater presents a risk to public safety, health and welfare and to the environment if the water is used.

1.0.4 Risks Presented by Residual MTBE Contamination. MTBE is suspected of causing cancer and noncancer effects. The federal Environmental Protection Agency continues to study MTBE to assess risk. Ingestion of MTBE contaminated groundwater or soil may present a risk to public safety, health and welfare and to the environment. In addition, surface water may percolate to the groundwater causing the groundwater contamination to spread. Coincidentally, MTBE has a strange odor and taste so people can generally detect that something is wrong with the water without the use of instruments.

MTBE is not particularly volatile once dissolved in groundwater so MTBE vapors do not generally present a vapor intrusion risk to indoor environments. Soil from the Contaminated Area that is not properly handled, treated and disposed may present a risk to public safety, health and welfare and to the environment.

1.0.5 Level of Cleanup Compatible With Intended use of the Property. The Owner intends to install and operate a car wash on the Property as more fully described in Attachment 3 hereto. Use and development of the Property in accordance with Attachment 3 is compatible with the level of cleanup. Other uses consistent with the Land Use Restrictions in section 2.0 below are expected to be compatible also.

- 1.0.6 Additional Information Available. The DERR contact person is currently Morgan Atkinson, DERR project manager, Telephone (801)-536-4100 at 168 North 1950 West, 1st Floor, Salt Lake City, Utah 84116. A change in project managers can be learned by contacting the DERR at the same phone number or address and asking for the project manager assigned to Facility ID No. 4001217, Release ID EFXT or Release ID EJID.
- 2.0. Land Use Restrictions
- 2.0.1 Owner shall not take any action or modify the Property from its present state, or use the existing improvements, utilities or other fixtures in their present condition in any manner that increases the risk to public health, safety, welfare or the environment from the contamination.
- 2.0.2 The development plan set forth in Attachment 3 has been reviewed and approved by the DERR as compatible with the level of cleanup achieved. Variations from Attachment 3, including other commercial or light industrial land use are likely to be compatible with the level of cleanup if enclosed buildings are not built over the Contaminated Area and the use is consistent with the restrictions in section 2 Land Use Restrictions. Open bay type buildings over the Contaminated Area are not expected to create a risk provided the restrictions in section 2 Land Use Restrictions are observed. However, use of the Contaminated Area for office or retail buildings or other enclosed, occupied space is not compatible and use of the Contaminated Area would require modification or termination of the Institutional Controls. See section 3.0.4 below.
- 2.0.3 Owner shall not use and shall not allow anyone else to use groundwater on the Property for any purpose. Owner shall not allow wells, except those approved by the DERR, to be placed on the Property. Certified samplers may take groundwater samples.
- 2.0.4 Owner shall not excavate deeper than three feet into the Contaminated Area except in a manner consistent with Attachment 3 or paragraph 2.06 below.
- 2.0.5 When excavating deeper than three feet in the Contaminated Area, Owner shall use OSHA-certified personnel with at least 40 hours safety training and knowledge of environmental protocols. In addition Owner shall have soil from the Contaminated Area tested by a state certified laboratory before disposal off of the Property.
The Property Owner shall dispose of the soil from the Contaminated Area in a manner consistent with state and federal law.
- 2.0.6 Owner shall notify the assigned DERR project manager (see paragraph 1.6 above) thirty days before performing construction activities that involve the movement or placement of petroleum affected soils or the movement or placement of subsurface utilities (e.g. drinking water lines, sanitary sewer lines.)
- 2.0.7 Owner shall ensure that the water supplying the buildings is free from petroleum contamination.
- 2.0.8 Owner shall ensure that water discharged during operations does not percolate to the groundwater.

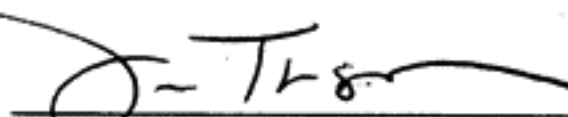
3.0 General Provisions

- 3.0.1 The above-described Institutional Controls run with the land, are binding on all successors in interest and title and shall be operated and maintained in perpetuity unless or until terminated as provided in paragraph 3.0.4 below.
- 3.0.2 The Executive Director of the Utah Department of Environmental Quality, or a designated representative, shall have access to the Property at all reasonable times to verify that Institutional Controls are being maintained and that the party or parties in possession of the Property are complying with the Institutional Control.
- 3.0.3 These Institutional Controls may be enforced and protected as provided in Utah Code Section 19-10-106.
- 3.0.4 These Institutional Controls may be terminated or modified as provided in Utah Code Section 19-10-5 with the prior approval of the UDEQ Executive Director or a designated representative.
- 3.0.5 Nothing herein constitutes a waiver by the UDEQ of its right to initiate enforcement action in the event of future noncompliance with these Institutional Controls or any other law not expressly provided for herein, nor shall the DEQ be precluded in any way from taking appropriate action to abate an endangerment to public health or the environment.
- 3.0.6 The DERR's approval of Attachment 3 does not release the Owner from responsibility for correcting any adverse impact its actions may have on public health, safety, welfare or the environment.

4.0 Effective Date

- 4.0.1 The Institutional Controls shall be effective on the date it has been signed by the Owner, approved and signed by Utah Department of Environmental Quality, or his/her designated representative and recorded by the Owner.

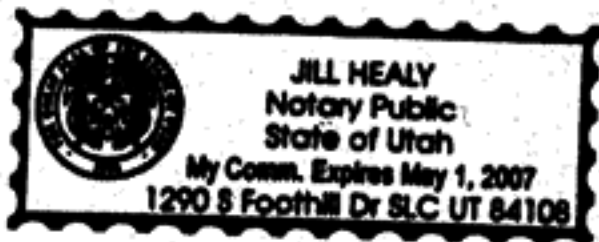
EXECUTED as of the 24 day of February, 2005.



John Thomson
Yalecrest Holdings, LLC

STATE OF UTAH)
) ss.
County of SALT LAKE)

The foregoing instrument was acknowledged before me this 24 day of January, 2005 by John Thomson, the signer of said instrument.



[Signature]
Notary Public, residing at Salt Lake County, UT

My Commission expires: May 1, 2007

Dianne R. Nielson, Executive Director of the Utah Department of Environmental Quality, or his/her designated representative, hereby approves the foregoing Institutional Controls pursuant to Utah Code Section 19-10-103.

[Signature: Dianne R. Nielson]
Dianne R. Nielson, Executive Director
Utah Department of Environmental Quality

STATE OF UTAH)
) ss.
County of SALT LAKE)

Subscribed and sworn to before me this 24 day of February, 2005, by Dianne R. Nielson, Executive Director of the Utah Department of Environmental Quality, or his/her designated representative.

[Signature: Mary Charlene Lamp]
Notary Public, residing at: Davis County

My Commission expires: Dec. 15, 2007



ATTACHMENT 1

ATTACHMENT 1

Legal descriptions for Parcel Numbers 15-13-204-007, 15-13-204-008 and 15-13-205-001

Exhibit A

Part of Lot 1 to 5, both inclusive, Block 2, Deskey's Second Addition, said addition being a subdivision of part of Block 9, 5 Acre Plat "A", Big Field Survey, Salt Lake City, Salt Lake County, Utah, more particularly described as follows:

Beginning at the Northwest corner of said Lot 5; thence along the Northerly line of said Lot 5, South 89°54'52" East, a distance of 110.00 feet, to the new right-of-way line of 300 West Street; thence along said right-of-way line, South 00°01'16" West, a distance of 51.20 feet, to the Southerly right-of-way line of the Union Pacific Railroad Company; thence along said right-of-way line, South 47°48'00" West, a distance of 123.95 feet, to the Southerly line of said Lot 1; thence along said Southerly line, North 89°58'44" West, a distance of 18.18 feet, to the Southwest corner of said Lot 1, said point also being on the Easterly line of a vacated alley; thence along said Easterly line, North 00°01'16" East, a distance of 134.49 feet to the point of beginning.

Excepting therefrom all oil, gas and minerals and any rights appurtenant thereto.

Exhibit B

Beginning at a point South 00°01'06" East 10.0 feet from the Southeast corner of Lot 4, BURR OAK ADDITION, and running thence North 89°54'13" West 132.5 feet; thence North 40.5 feet; thence East 25.5 feet; thence North 47°59'50" East 143.95 feet to the West line of 2nd West Street; thence South 00°01'06" East 137.0 feet to the point of beginning.

Exhibit C

All of Lots 1 to 7, inclusive, Block 1, Deskey's Second Addition, said addition being a subdivision of Block 9, 5 Acre Plat "A", Big Field Survey, together with half of the vacated alley abutting to the South and all of the alley abutting to the East, and all of Lots 9-11 and part of Lots 5 to 8, Burr Oak Addition, said addition being a subdivision of part of Block 9, 5 Acre Plat "A", Big Field Survey, together with half of the vacated alley abutting to the North and Half of the vacated alley abutting to the East, all in Salt Lake City, Salt Lake County, Utah, more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 7, Block 1, Deskey's Second Addition; thence along the North line of said Block 1, South 89°54'52" East, a distance of 193.40 feet to the East line of a vacated alley; thence along said East line South 00°01'16" West, a distance of 134.59 feet; thence North 89°58'44" West, a distance of 7.48 feet to the center line of a vacated alley; thence along said center line South 00°05'43" West, a distance of 23.30 feet; thence South 47°49'00" West, a distance of 129.68 feet, to a point on the South line of Lot 8 of said Burr Oak Addition; thence along the South line of Lots 8 to 11 of said Burr Oak Addition, North 89°53'17" West, a distance 92.16 feet, to the Southwest corner of said Lot 11, thence along the West line of said Lot 11, North 00°06'43" East, a distance of 115.74 feet, to the center line of vacated

alley; thence along said center line South 89°54'11" East, a distance of 2.00 feet, to the extension of the West line of Lot 7 of said Deskey's Second Addition; thence along said West line and the extension thereof, North 00°05'08" East, a distance of 129.24 feet, to the POINT OF BEGINNING.

Excepting therefrom all oil, gas and minerals and any rights appurtenant thereto.

Exhibit D

All of Lots 1 to 7, inclusive, Block 1, Deskey's Second Addition, said addition being a subdivision of Block 9, 5 Acre Plat "A", Big Field Survey, together with half of the vacated alley abutting to the South and all of the alley abutting to the East, and all of Lots 9-11 and part of Lots 5 to 8, Burr Oak Addition, said addition being a subdivision of part of Block 9, 5 Acre Plat "A", Big Field Survey, together with half of the vacated alley abutting to the North and Half of the vacated alley abutting to the East, and all Lots 1 to 5, both inclusive, Block 2, Deskey's Second Addition, less that portion in the right-of-way of 300 West Street, and all of Lot 4 and part of Lot 3, BURR OAK ADDITION, less that portion in the right-of-way of 300 West Street, together with half of the vacated alley abutting to the West, all in Salt Lake City, Salt Lake County, Utah, more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 7, Block 1, Deskey's Second Addition, said point being North 89°54'52" West 360.36 feet and South 00°05'08" West 33.00 feet from a city monument located at the intersection of 300 West Street and Whitney Avenue; thence along the North line of said Block 1, South 89°54'52" East, a distance of 303.40 feet to the new right-of-way line of 300 West Street; thence along said right-of-way line South 00°01'06" West 175.08 feet to a point being 10.00 feet South 00°01'06" West of the Southerly line of Lot 4, Burr Oak Addition; thence North 89°54'13" West 117.53 feet to the center of a vacated alley; thence along said center line North 00°05'43" East 17.26 feet to the Southerly right-of-way line of the Union Pacific Railroad (vacated and sold); thence along said right-of-way line South 47°49'00" West 129.68 feet to a point on the South line of Lot 8 of said Burr Oak Addition; thence along the south line of Lots 8 to 11 of said Burr Oak Addition, North 89°53'17" West 92.16 feet to the Southwest corner of said Lot 11; thence along the West line of said Lot 11, North 00°06'43" East 115.74 feet to the center line of a vacated alley; thence along said center line South 89°54'11" East 2.00 feet to the extension of the West line of Lot 7 of said Deskey's Second Addition; thence along said West line and the extension thereof North 00°05'08" East 129.24 feet to the point of beginning.

Excepting therefrom the oil, gas and minerals rights and rights appurtenant thereto as retains in those certain Quit Claim deeds recorded as Entry No. 7694642 and 7694643 in Book 8380 at Page 419 and Book 8380 at Page 424 respectively.

ATTACHMENT 2

Summary of Analytical Results

Table 1 Soil sample results from push probe sampling on 11/10/04 at V-1 Oil Company, Salt Lake City project including the V-1 Oil Company, Peck and Media & Entertainment properties. **Bold** numbers indicate values exceeding RBCA-I levels. Samples are reported in mg/kg.

Location	MtBE	Benzene	Toluene	Ethylbenzene	Xylenes	Naphthalene	GRO	DRO
GP47@ 6-8'	<0.0048	<0.0024	<0.0048	<0.0048	<0.0048	<0.0048	<0.048	<0.048
GP48@ 6-8'	<0.0050	<0.0025	<0.0050	<0.0050	<0.0050	<0.050	<0.05	<0.05
GP49@ 6-8'	0.41	0.30	0.0091	2.0	3.3	0.47	70.	1.7
GP50 @ 2-4'	0.015	0.11	0.021	0.10	0.34	<0.0059	1.2	<0.059
GP50 @ 6-8'	<0.10	0.22	0.19	2.2	11	0.24	75	150
GP51@ 6-8'	0.036	0.17	0.0077	0.081	0.18	0.23	34	1.7
GP52@ 6-8'	0.026	<0.0026	<0.0052	<0.0052	<0.0052	0.061	5.6	0.66
RBCA-I	0.3	0.9	61	23	23	50	1500	5000

Table 2 Groundwater sample results from push probe sampling on 11/10/04 at V-1 Oil Company, Salt Lake City project including the Peck and Media & Entertainment properties. **Bold** numbers indicate values exceeding RBCA-I levels. Samples are reported in mg/L.

Location	MtBE	Benzene	Toluene	Ethylbenzene	Xylenes	Naphthalene	GRO	DRO
GP51	0.48	0.85	0.025	0.022	0.038	0.13	4.	0.2
GP52	1.5	0.019	0.0092	0.0030	0.0049	0.041	0.87	0.062
P5	0.0046	0.0071	0.018	0.0052	0.0089	0.0037	0.065	<0.02
P6	0.0039	0.0075	0.019	0.0055	0.0093	0.0038	0.068	<0.02
RBCA-I	0.2	0.3	7	4	10	0.5	10	10

GeoProbe® Sampling Summary

Client V-1 Oil Company
 Location 1478 South 300 West, Salt Lake City, UT
 Facility ID# 4001217
 Contract 98-440
 Project Descrp. GeoProbe® sampling

Location	Date	MTBE	Benzene	Toluene	Ethylbenzene	Xylenes	Naphthalene	GRO	DRO
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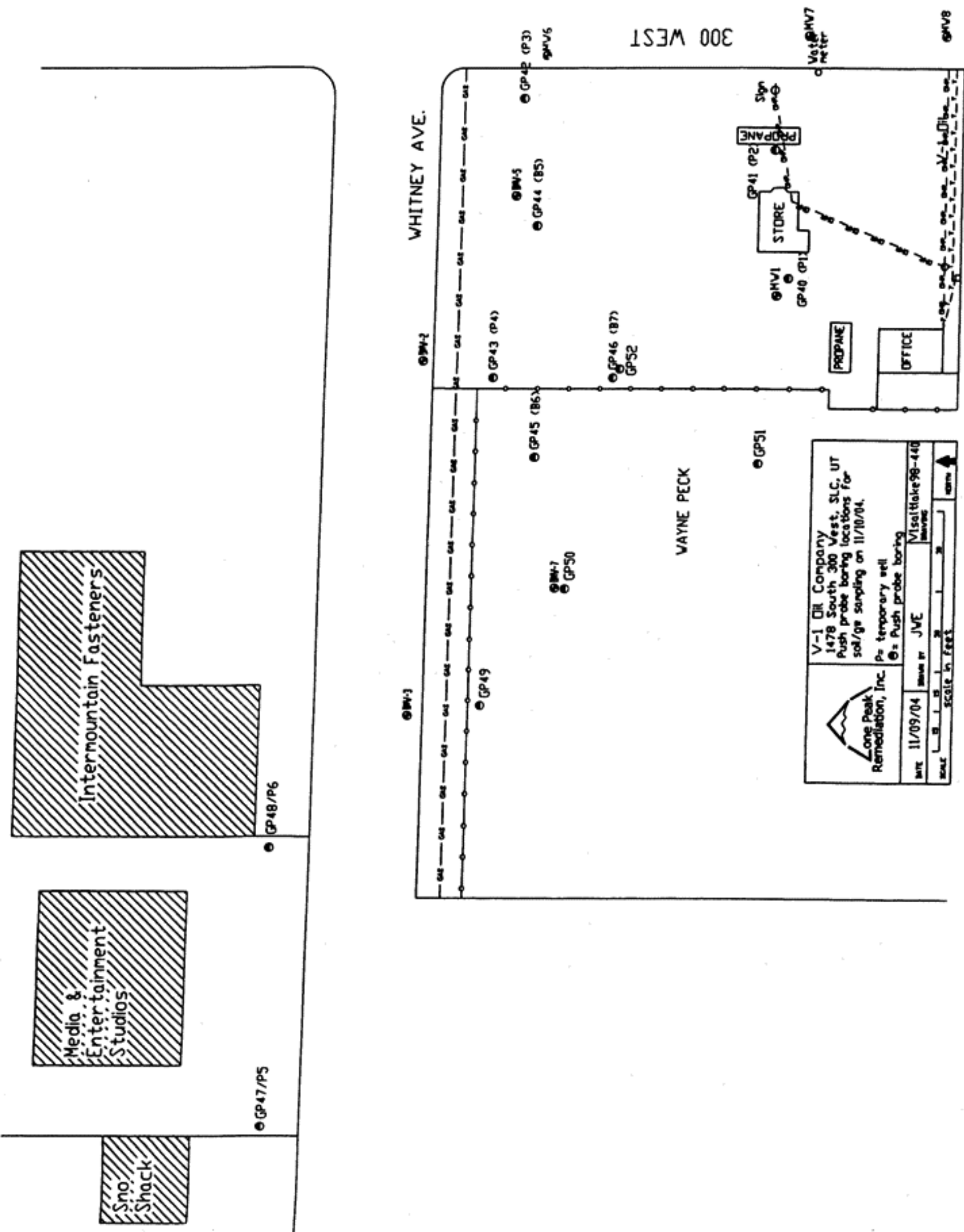
Push probe sampling results for soil, reported in mg/kg

GP40 (P1) @ 6-8'	01/15/03	0.23	<0.0014	<0.0028	0.34	3	1.3	67	25
GP41 (P2) @ 2-4'	01/15/03	0.097	0.024	0.04	0.33	3.3	0.062	11	0.26
GP41 (P2) @ 6-8'	01/15/03	0.038	<0.0048	<0.0095	<0.0095	0.022	0.024	11	0.29
GP42 (P3) @ 6-8'	01/15/03	0.088	<0.0013	<0.0027	<0.0027	0.021	0.17	7.8	3.6
GP43 (P4) @ 3-4'	01/15/03	0.41	0.0097	<0.0088	<0.0088	0.52	0.033	25	8.9
GP43 (P4) @ 6-7'	01/15/03	0.37	0.0058	0.0067	0.11	0.52	0.37	11	0.48
GP46 (B7) @ 3-4'	01/15/03	0.19	0.21	<0.15	1.3	4.9	<0.15	38	8.3
GP46 (B7) @ 6-7'	01/15/03	0.66	0.75	<0.0027	1.5	2.6	1.8	71	13
GP47(P5) @ 6-8'	11/08/04	< 0.0048	< 0.0024	< 0.0048	< 0.0048	< 0.0048	< 0.0048	< 0.048	< 0.048
GP48(P6) @ 6-8'	11/08/04	< 0.0050	< 0.0025	< 0.0050	< 0.0050	< 0.0050	< 0.0050	< 0.050	< 0.050
GP49 @ 6-8'	11/08/04	0.41	0.3	0.0091	2	3.3	0.47	70	1.7
GP50 @ 2-4'	11/08/04	0.015	0.11	0.021	0.1	0.34	< 0.0059	1.2	< 0.059
GP50 @ 6-8'	11/08/04	< 0.10	0.22	0.19	2.2	11	0.24	75	150
GP51 @ 6-8'	11/08/04	0.036	0.17	0.0077	0.081	0.18	0.23	34	1.7
GP52 @ 6-8'	11/08/04	0.026	< 0.0026	< 0.0052	< 0.0052	< 0.0052	0.061	5.6	0.66
RBCA-I	Soil	0.3	0.9	61	23	23	50	1500	5000
RCL/MCL	Soil	0.3	0.2	100	70	1000	2	30	100

Push probe sampling results for groundwater, reported in mg/L

GP40 (P1)	01/16/03	1.3	0.024	0.0062	0.43	3	0.2	8.4	0.058
GP41 (P2)	01/16/03	0.14	0.0049	0.0063	0.028	0.084	0.006	0.64	<0.02
GP42 (P3)	01/16/03	0.11	<0.001	<0.002	0.14	0.075	0.075	2.1	<0.02
GP43 (P4)	01/16/03	2.9	0.018	<0.002	0.37	0.42	0.13	4	0.037
GP47(P5)	11/08/04	0.0046	0.0071	0.018	0.0052	0.0089	0.0037	0.085	< 0.020
GP48(P6)	11/08/04	0.0039	0.0075	0.019	0.0055	0.093	0.0038	0.068	< 0.020
GP51	11/08/04	0.48	0.85	0.025	0.022	0.038	0.13	4	0.2
GP52	11/08/04	1.5	0.019	0.0092	0.003	0.0049	0.041	0.87	0.062
RBCA-I	GW	0.2	0.3	7	4	10	0.5	10	10
RCL/MCL	GW	0.07	0.005	1	0.7	10	0.02	0.5	0.5

● **FIGURE 1** ●

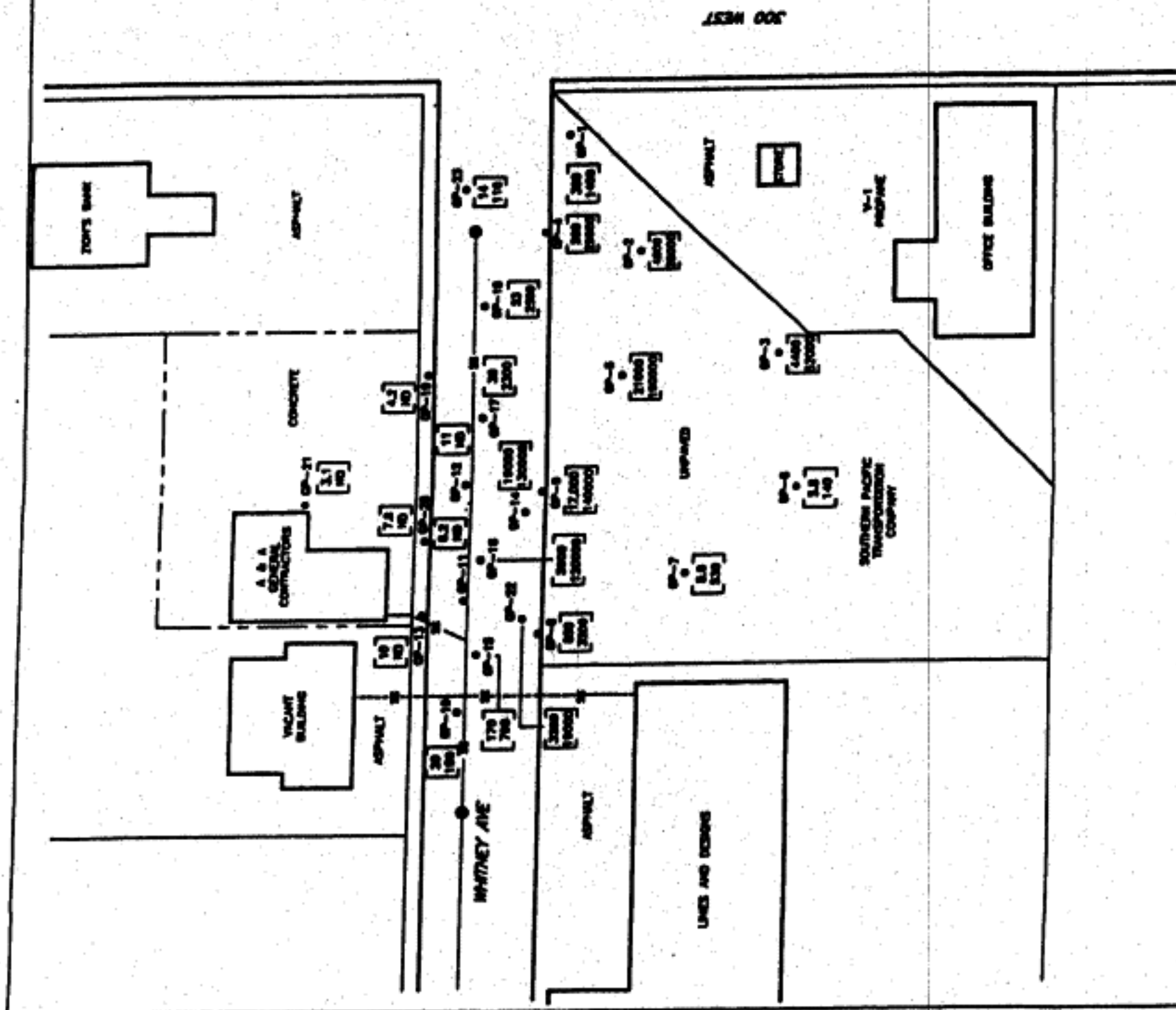


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V-1 OIL CO.
IDAHO FALLS, IDAHO

FIGURE 2



LEGEND

- PROPERTY LINE
- GP-1 MONITORING LOCATION

[GP-1] MONITORING IS MONITORING FOR LEAKS (mg/L) TOTAL PETROLEUM HYDROCARBONS (TPH) IN mg/L

MONITORING AND DATA ANALYZED USING EPA METHODS 8000 AND 8175 MONITORING, RESPECTIVELY.

MONITORING 1-1 SAMPLED 2/1/96
MONITORING 2-12 SAMPLED 2/2/96
MONITORING 13-23 SAMPLED 2/3/96

UNPAVED

ASPHALT

CONCRETE

TONY'S BAKE

VACANT BUILDING

AAA GRADES CONTRACTORS

OFFICE BUILDING

SOUTHERN PACIFIC TRANSPORTATION COMPANY

LINES AND SIGNS

300 WEST

North

SCALE 60 FT

FIGURE 4
GROUND WATER ANALYTICAL RESULTS

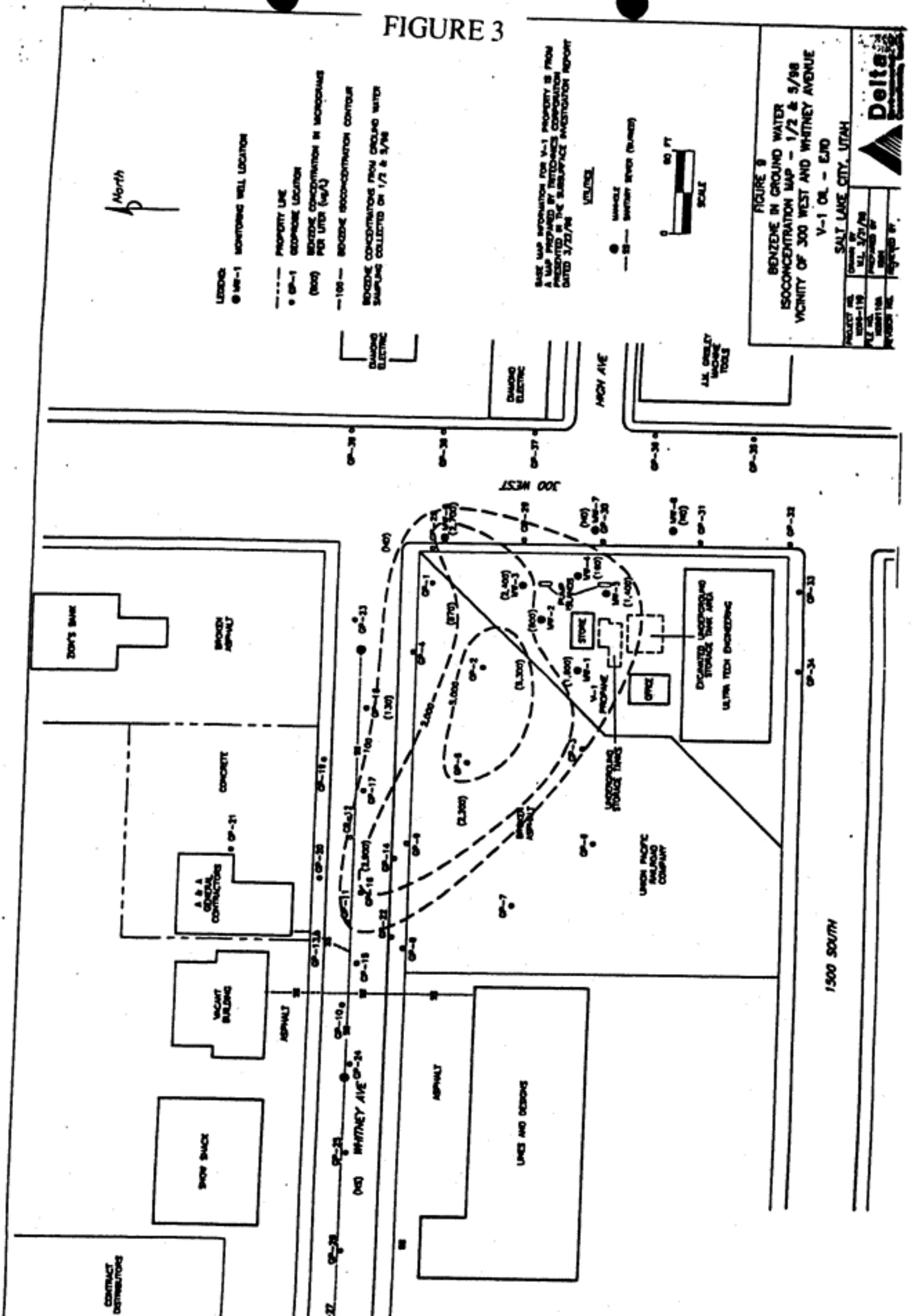
VICINITY OF 300 WEST AND
WHITNEY AVENUE - EDD

SALT LAKE CITY, UTAH

PROJECT NO.	DATE OF ANALYSIS	ANALYST	LABORATORY
1000-110	1/1/96	EDD	DELTA
1000-110	1/1/96	EDD	DELTA
1000-110	1/1/96	EDD	DELTA



FIGURE 3



ATTACHMENT 3

Soil Excavation Plan
February 17, 2005
Yalecrest Holdings, LLC
1478 South 300 West, Salt Lake City

GENERAL

01010 - Scope of Work

01350 - Health and Safety

SITE WORK

02220 - DUST SUPPRESSION AND ODOR CONTROL

02330 - SOIL EXCAVATION, REMOVAL AND DISPOSAL

02340 - EXCAVATION DEWATERING

SUMMARY OF WORK

A. PART 1 - GENERAL

The work covered by this Plan will be performed at the former V-1 Oil site located at 1478 South 300 West, Salt Lake City, Utah.

1.01 PROJECT DESCRIPTION

- A.** The overall scope of this plan is for the excavation, loading, transport and off-site disposal of petroleum-contaminated soil; for excavation dewatering; for the import, backfilling and compaction of clean fill materials to the site zoned light industrial/commercial for the development of an express lube center and car wash.
- B.** The work will consist of the following major items:
1. Remove surface covering of concrete and asphalt, and any abandoned subsurface piping or debris associated with the former underground storage tank (UST) system (Figure 1). Note, the former UST system was closed by tank removal and no new system was installed or is currently present at the site.
 2. Excavate approximately 582yd³ of petroleum hydrocarbon-contaminated soil. The extent of the excavation is expected to cover approximately 1,560 ft² as shown on Figure 2. The final depth of the excavation is expected to reach approximately 9 feet below ground surface (bgs).
 3. Load, haul, and dispose of all excavated soils at E.T. Technologies or alternative permitted landfill, as approved by Utah Department of Environmental Quality (UDEQ).
 4. Dewater excavation as necessary to avoid loading and hauling water-saturated soil from the site. Badham Construction will oversee storage, treatment, and disposal of the water generated during excavation activities.
 5. Backfill and compact the excavation with clean fill materials. Construction over areas of concern to be completed as proposed on the attached site plan (Figure #1).
 6. Resurface the area as proposed on the attached site plan (figure #1).

END OF SECTION 01010

SECTION 01350

HEALTH AND SAFETY

PART 1 - GENERAL

C. 1.01 WORK INCLUDED

- A. The Contractor shall develop and follow a project specific Health and Safety Plan (HASP). It is the Contractor's responsibility to ensure that its HASP meets all State, Federal and OSHA guidelines. It shall be the Contractor's sole responsibility to perform all Work in accordance with Contractor's own HASP, and in accordance with OSHA and all Utah and Federal laws and regulations.
- B. All appropriate Contractor personnel shall have current certification in 29 CFR 1910.120 HAZWOPER Training.

Contractor shall provide UDEQ and the Engineer with copies of its HASP and current HAZWOPER training certificates for appropriate site workers

END OF SECTION 01350

SECTION 02220

DUST SUPPRESSION AND ODOR CONTROL

PART 1 – GENERAL

1.01 WORK INCLUDED

The Work under this Section includes the suppression of fugitive dust emissions and odor control during excavation activities.

PART 2 – EXECUTION

3.01 DUST SUPPRESSION

The Contractor shall use Best Management Practices in preventing the emission of fugitive dust during excavation activities at the site. Suppression shall consist of the application of water sprayed onto exposed soils, covering exposed soils with visqueen (or the like), or other means as approved by UDEQ.

3.02 ODOR CONTROL

- A. The Contractor shall use Best Management Practices in controlling odors from excavation. If required in the sole judgment of the Engineer, such control shall consist of covering the excavation overnight with overburden soils or weighted visqueen (or the like), or other means as approved by the Engineer.
- B. Excavated soils are not to be stockpiled without the approval of UDEQ (refer to Section 02330). In the event it becomes necessary to temporarily stockpile excavated soils at the site, Contractor shall provide bermed erosion control and shall place the excavated soils on 10-mil visqueen (or the like) and shall cover soils with the same.

END OF SECTION 02220

SECTION 02330

SOIL EXCAVATION, REMOVAL AND DISPOSAL

PART 1 – GENERAL

1.01 WORK INCLUDED

- A. The Work under this Section includes the excavation, removal and disposal of 582 yd³ or less of petroleum-contaminated soils.
- B. All work shall be performed in accordance with the best practices of the profession and federal, State, and local regulations.

1.02 RELATED SECTIONS

- A. Section 01350 Health and Safety
- B. Section 02220 Dust Suppression and Odor Control
- C. Section 02340 Excavation Dewatering

PART 3 – EXECUTION

3.01 SOIL EXCAVATION

- A. The Contractor shall excavate approximately 582 yd³ of petroleum-contaminated soils at the former V-1 Oil site at 1478 South 300 West in Salt Lake City, Utah. The anticipated surface area of the excavation (approximately 1,680 ft²) is shown in Figure 2. The actual area of the excavation will be determined by the Engineer in the field, and will depend upon site conditions, visual inspections, and field screening of representative soil samples collected during excavation activities. The excavation is limited to the south by 1500 South Street and underground utilities, to the East by 300 West Street, and to the north by Whitney Avenue.
- B. The Contractor shall excavate soil from grade level to approximately 9 feet below grade (bg). Petroleum-impacted soils are anticipated to occur from near surface grade to approximately 11 feet bg. The exact depth of the excavation will be determined by Ellis Environmental in the field and will depend upon site conditions, visual inspections, and field screening of representative soil samples collected during excavation activities.

- C. Ellis Environmental will monitor excavation activities, visually observing and periodically analyzing selected grab samples for headspace analysis using a photo-ionization detector (PID), and for evaluation of color, odor, and visible staining, and will direct the excavation accordingly.
- D. The estimate of 582 yd³ of soil to be excavated is based on the anticipated depth and on the area limits as shown on the attached Figures 1 through 3. This estimate does not take into account any sloping of the excavation required by the Contractor in order to remain in compliance with OSHA safety regulations regarding slope stability of open excavations. It is the Contractor's sole responsibility to maintain the integrity and the safety of the excavation.
- E. Excavated soils shall not be stockpiled. Should it become necessary for the Contractor to temporarily stockpile excavated soil at the site, Contractor shall provide bermed erosion control and shall place the excavated soil on 10-mil visqueen (or the like) and shall cover soil with the same. Odors from the excavated soil shall be controlled. If odors cannot be controlled, or if directed by the UDEQ, the Contractor shall remove the soil from the site and temporarily stockpile the soil at a location where odors will not affect the public.
- F. The Contractor assumes all responsibility for conclusions as to the nature of the materials to be excavated and the difficulties of making and maintaining the required excavations. In the event of changing site conditions, Contractor shall:
 - 1. Immediately notify Ellis Environmental of any discrepancies between contractual agreements and site conditions;
 - 2. Immediately notify Ellis Environmental of unexpected subsurface conditions or unmarked utilities and shall discontinue work in the affected area until notified by Ellis Environmental.

3.02 EXCAVATION SAFETY

- A. The final depth of the excavation (anticipated at approximately 9 feet bgs) will be determined by Ellis Environmental in the field during the progress of the work. It is the Contractor's responsibility to maintain the integrity and safety of the excavation at all times.
- B. If required, Badham Construction shall provide the necessary work and materials to shore, slope, or bench excavations as needed to ensure site safety, to prevent adjacent surface or structure settlement, and to protect public and private property and permanent improvements from damage during construction. It is the sole responsibility of the Contractor to ensure that any such precautionary measures (shoring, benching, sloping, etc.) are designed and constructed to meet OSHA requirements.

3.03 SOIL REMOVAL

- A. The Contractor shall dispose of all excavated soil at E.T. Technologies or alternative permitted landfill as approved by UDEQ. Loads shall be covered and accompanied by a uniform bill of lading.
- B. The Contractor shall obtain and submit to the Engineer, documentation of soil acceptance at E.T. Technologies or alternative permitted landfill prior to commencement of excavation activities. All contaminated soil removed from the site will be disposed of in accordance with all Federal, State, and Local laws and regulations

3.04 EXCAVATION DEWATERING

- A. The Contractor shall provide pumps, sumps, suction, and discharge lines as necessary to dewater the excavation as needed to conduct the excavation activities and to prevent loading and hauling of water-saturated soil. Badham Construction will also supply the tanks necessary for storage of the water.
- B. Dewatering of the excavation may be required to allow for the collection of soil samples from the walls and floor of the open excavation (confirmation samples). The Contractor shall provide pumps, sumps, suction, discharge lines and storage tanks necessary to perform this task.

3.05 WORK BY OTHER PARTIES

The Contractor shall be required to cooperate and assist with several tasks to be performed by Ellis Environmental during excavation and/or backfilling operations. Ellis Environmental will make every effort to proceed with these tasks with minimal interference to the Contractor's schedule.

- A. During the excavation process, Ellis Environmental and/or UDEQ will collect soil and water (confirmation) samples from appropriate locations in the excavation floor and sidewalls. The Contractor shall assist the Engineer in the collection of these samples by obtaining soil samples from the floor and sidewalls of the excavations using its excavator bucket.

PART 4 – MEASUREMENT

4.01 MEASUREMENT

- A. The Contractor shall provide UDEQ with documentation of the weight of soils excavated, hauled, and off-loaded at the disposal facility.

END OF SECTION 02330

SECTION 02340

EXCAVATION DEWATERING

PART 1 - GENERAL

1.01 WORK INCLUDED

- A. The Contractor shall dewater the excavation as needed. It shall be the sole responsibility of the Contractor to control the rate and effect of the dewatering in such a manner as to avoid all objectionable settlement and subsidence of surrounding surface or subsurface material or structures.
- B. The Contractor is responsible for obtaining any permits required to conduct dewatering activities.
- C. The responsibility for conducting the dewatering operation in a manner that will protect adjacent structures and facilities rests solely with the Contractor. The cost of repairing any damage to adjacent structures and restoration of facilities shall be the responsibility of the Contractor.
- D. Water storage, treatment and disposal will be the responsibility of Badham Construction and/or Ellis Environmental.

PART 2 - PRODUCTS

2.01 EQUIPMENT

- A. The Contractor shall provide pumps, sumps, suction, discharge lines, hoses and fittings as necessary to dewater the excavation and transfer the water to holding tanks.
- B. The Contractor shall provide its own means of measuring the volume of water removed from the excavation.
- C. Water shall be treated in the holding tanks prior to discharge or disposal as required by the specific permitting agencies (Div. Of Air Quality, Div. Of Water Quality, Publicly Owned Treatment Works, etc.). Water may also be disposed of at a permitted landfill or recycling facility, just specify which method you will use.

PART 3 - EXECUTION

3.01 GENERAL REQUIREMENTS

- A. The Contractor shall provide all equipment necessary for dewatering the excavation. The Contractor shall have on hand sufficient pumping equipment and machinery in good working condition and shall have workers for the operation of the pumping equipment, if needed.
- B. The Contractor shall dewater as needed to allow for excavation activities to continue without interruption and to prevent the loading and transport of water-saturated soils.
- C. The Contractor shall transfer water from the excavation to the holding tank(s) in a suitable manner without damage to adjacent property. The Contractor shall monitor the volume of water stored in the tanks and ensure that the holding tank(s) do not overflow. Badham Construction will store, treat and dispose of the water in accordance with all Federal, State, and Local laws and regulations.
- D. The Contractor shall not discharge groundwater directly onto the ground or into storm drains or sewer systems.

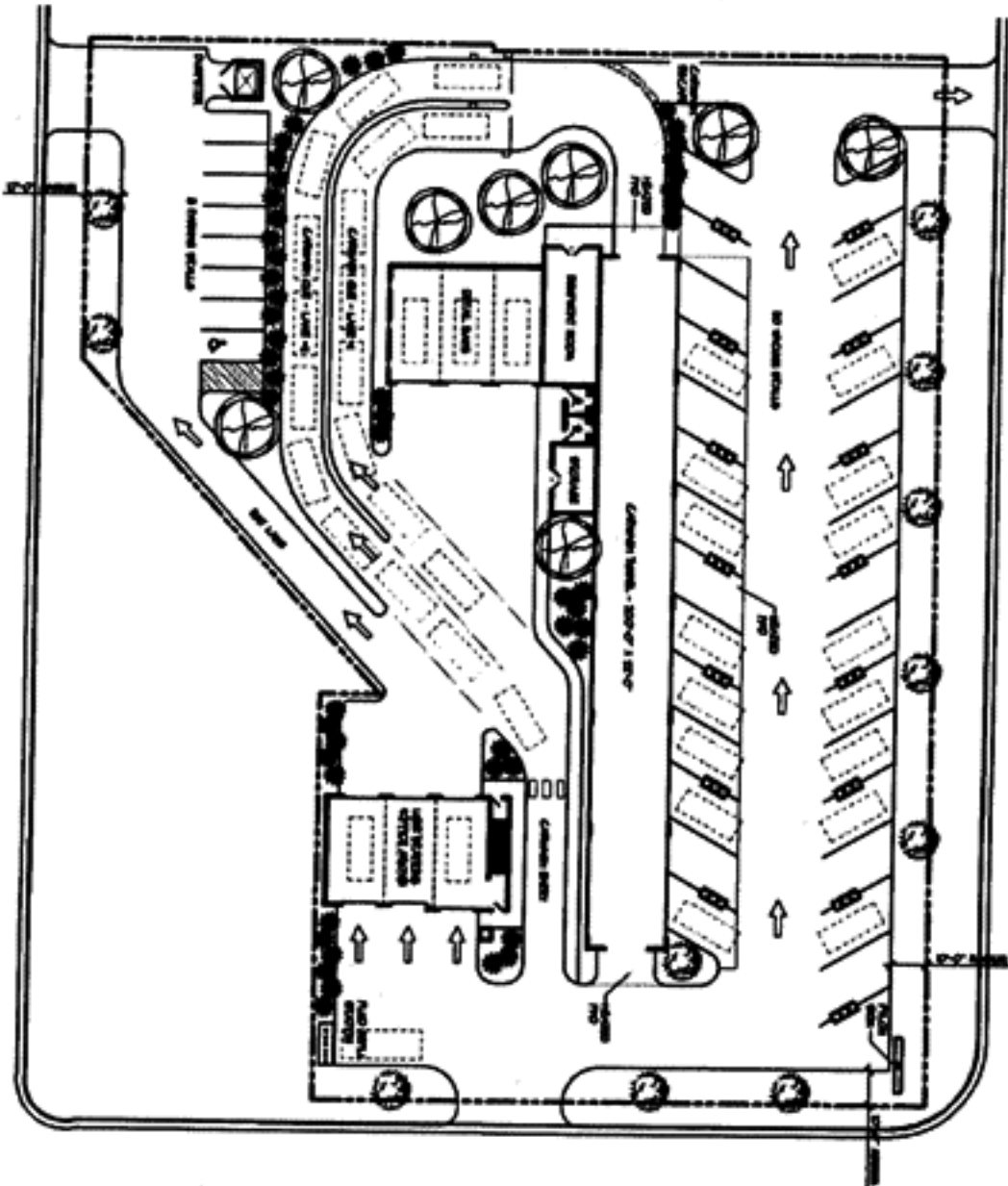
PART 4 – MEASUREMENT AND PAYMENT

4.01 METHOD OF MEASUREMENT

- A. Ellis Environmental shall estimate the volume of ground water removed from the excavation according to the volume (area x depth) of water contained in the on-site storage tanks.

END OF SECTION 02340

CONCEPT SITE PLAN
 10/17/10



300 WEST STREET

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